

REMARKS/ARGUMENTS:

The Applicant hereby discloses, in an information disclosure statement attached hereto, seven patents that were cited in an Office Action dated April 22, 2004 for application serial no. 09/894,033, by the same inventor as this application.

Claims 1-27 are pending, wherein independent claims 1, 13 and 23 are amended and new claim 27 is added. In an Office Action dated April 9, 2004, the Examiner has rejected claims 1, 6-11, 16-20, 21-23, and 25-26 under 102(e) as being anticipated by U.S. Patent No. 6,662,105 to Tada et al. (hereinafter, Tada). The Examiner has further rejected claims 2-5, 12-15 and 24 under 103(a) as obvious over Tada in light of U.S. Patent No. 6,324,404 to Dennison et al. (hereinafter, Dennison).

The applicant has amended each of the independent claims 1, 13 and 21 to recite that the system selection parameter, derived from the mobile station's location relative to the map, is used to obtain access to a desired communication system. Support for this change may be found at least at page 4, lines 15-21 of the present application. Claim 27 is new, and draws support from claim 21 and from page 8 line 22 to page 9, line 9.

Tada describes a search selecting device that determines, according to various conditions, whether to obtain route guiding data from a map stored locally in a mobile body or from a separate information center IC (Tada, abstract and col. 2, lines 3-19). The purpose is to more precisely map a vehicle's location on a map that may be graphically displayed to the vehicle driver (Tada, col. 1, lines 7-10, 30-32, and line 66 to col. 2, line 2). Tada recites several conditions by which local or IC mapping may be selected, including

- a) the version of the local map (col. 2, lines 55-63);
- b) the generation date of the local map (col. 2, line 64 to col. 3, line 3);
- c) a first map portion from the local map and a second map portion from the IC map (col. 3, lines 4-15);
- d) existence or strength of communications between the mobile body and the IC (col. 3, lines 16-30 and 44-51);
- e) a prediction of the condition of part d) above (col. 3, lines 31-43);
- f) a past movement history of the mobile body (col. 2, lines 52-59);

- g) a pre-stored destination in the mobile body (col. 3, line 60 to col. 4, line 2); and
- h) an additional cost in communicating with the IC (col. 4, lines 3-12).

The relevant portion of claim 1 as amended recites “deriving at least one system selection parameter from the mobile station’s location relative to the map by which the mobile station may obtain access to a desired communication system.” Claims 13 and 21 are similarly amended. The Examiner’s rejection is taken to analogize the system selection parameter of (the original) claim 1 with the condition by which the Tada invention selects local or IC map/route guiding data. Of the above a) through h) Tada conditions, only item c) appear to rely on a mobile body’s position relative to a map, because the distance depends from both present position and destination.

However, in each of the above bulleted Tada conditions including item c), the condition is used to choose whether to use the local map or the IC map; no condition is seen relevant to the establishment of contact with the IC other than the decision to make such a contact. Said another way, in all Tada teachings wherein a link to the IC is possible, that communication link to the IC is presumed. Each of the independent claims as amended recite that the parameter is used to achieve that link. As such, the parameter of the present claims cannot be anticipated by any of the Tada conditions: Tada is not seen to include teachings relevant to effecting communications between the mobile body and the IC, but rather leaves those details to the prior art. This is true at least because the purposes of Tada (to more precisely map a vehicle’s location on a map that may be graphically displayed to a vehicle driver, as stated at Tada, col. 1, lines 7-10; 30-32; and line 66 to col. 2, line 2) are not closely aligned with those of the present invention (to reduce/eliminate time away from a current network and reduce ineffective searches for a better network, as stated at page 2, lines 10-25 and resolved at page 4, lines 6-7). In the present invention, the parameters may be used to reduce the possible number of protocols, frequency bands, license blocks, or channels that must be searched to make contact with the desired network (see page 8, lines 25-29). Where Tada is concerned with substantive data that may be provided via a link to the IC, the present invention is concerned with a network link itself. Tada is not seen to include any teaching analogous to parameters by which contact with the IC may be made, only to the decision whether or not to make that contact. Even assuming Tada might be modified with the exact teachings of the present invention, and that the IC is the desired network, the Tada conditions cannot be made

into parameters by which access to the IC is gained. The decision of Tada to contact the IC necessarily occurs prior to searching among protocols, frequency blocks or channels to effect that contact.

While the Examiner has rejected claims 2-5, 12-15 and 24 over the combination of Tada with Dennison, the combination is not seen as making the amended claims non-obvious for at least two distinct reasons.

First, neither reference is seen to teach or suggest deriving at least one system selection parameter from the mobile station's location relative to the map by which the mobile station may obtain access to a desired communication system. Because the term 'the map' in this clause draws antecedent basis from a map previously recited as being stored in the mobile station, the mobile station necessarily does the deriving. Consider this a bottom-up approach, where the mobile station accumulates information and makes decisions. This bottom-up approach is also particularly recited in the application at page 2, lines 5-8, page 3, lines 3-5, and page 4 lines 21-23, and page 8, lines 22-25. Dennison in contrast teaches an opposing top-down approach, where changes are commanded by the network operator such as for billing and taxing decisions, cell site selection, frequency selection, and cellular system selection. See for example, Dennison abstract; col. 7 line 20 to col. 8 line 44; col. 8. line 56 to col. 9. line 4; col. 9, lines 24-27 and 33-35; and throughout the disclosure. Particularly opposite the bottom- up approach of the present invention is Dennison, col. 11, lines 46-56, where the Dennison system commands a communication device to change from one cell site to another. As the above Dennison passages show, the network provides cell site, frequency, and system selection; there is no need to derive any parameter in the mobile station because they are all directed from the network in a top-down approach. One passage cited by the Examiner at Dennison col. 16, lines 1-33 recites similarly: that the service provider instructs the communication device CDX to re-tune to a different frequency when entering a different territory. A communication device that is directed to re-tune appears inconsistent with a mobile station deriving system connection parameters by which to obtain access to a desired communication system. Thus, neither Tada nor Dennison, alone or in combination, teach or recite the above amended claim clause.

Second, it appears that to modify Dennison to achieve the above claim clause would necessarily modify its principal of operation. Deciding in the mobile station a system connection parameter necessarily devolves decisional authority for the connection outside the network, in violation of nearly every one of Dennison's stated objects and contrary to the above-described top-down approach. Dennison's overarching theme is for the network to keep control over subscribers for as long as possible, for any of various recited reasons. It is seen as inconsistent to modify Dennison so that a subscriber, represented by Dennison's communication device, searches for a different network that may differ from the present network.

For at least the above reasons, the applicant contends that the claims as amended are both novel and non-obvious over the cited references. It is respectfully requested that the rejections be withdrawn in light of the amendments and arguments made herein, and that the claims be passed to issue. The undersigned welcomes the opportunity to resolve any matters that may remain via teleconference, at the Examiner's discretion.

Respectfully submitted:



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